

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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Dustin Gaines, #316068,

Plaintiff,

v.

Sgt. H. Sims,

Defendant.

Civil Action No. 4:13-0185-SB

ORDER

DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON, SC

This matter is before the Court upon the Plaintiff's pro se complaint filed pursuant to 42 U.S.C. § 1983. By local rule, this matter was referred to a United States Magistrate Judge for preliminary determinations.

On September 26, 2013, Defendant Sims filed a motion for summary judgment. Thereafter, the Magistrate Judge issued a Roseboro order, advising the Plaintiff of the summary judgment procedures and of the possible consequences if he failed to respond adequately to the motion. Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). Based on the Plaintiff's failure to respond, the Magistrate Judge issued a report and recommendation ("R&R") on October 31, 2013, recommending that the Court dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Attached to the R&R was a notice advising the Plaintiff of the right to file specific, written objections to the R&R within fourteen days of the date of service of the R&R. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal

conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. Accordingly, after consideration of this matter, the Court hereby adopts the Magistrate Judge's R&R (Entry 37), and it is

ORDERED that this action is dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

November 20, 2012
Charleston, South Carolina

